***THE HON'BLE SRI JUSTICE P.S.NARAYANA**

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+ W.P.No.1941 of 1997

%Dated 26-11-2004.

 # 1. Vemula Srinivas S/o Somaiah, Agricultural weaver,R/o

Kakiralapalli (V), Vardhannapet Mandal, Warangal District.
2. Vemula Laxmi W/o Srinivas Agriculture, R/o Kikiralapalli (V), Wardhannapet Mandal, Warangal District.
3. Vemula Semaiah S/o Muttaiah,weaver R/o Ellandla (V),

Wardhannapet Mandal, Warangal District.

Vs.

$1.The Manager, Central Bank of India, Warangal Branch,

Warangal.
2. The Sub Registrar of Co-operation-cum-Arbitrator-cum-Sales Officer, C/o Central Bank of India, Warangal Branch, Warangal.
3. The Managing Director, The Farmers Service Co-operative Society Ltd., Nandanam(v), Waradhannapet(M), Warangal District.

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>HEAD NOTE:

! Counsel for the Appellants: MR.Y.RAMA RAO

^Counsel for the Respondents: MR.C.V.RAJEEVA REDDY

&MRS. K.SATYA KUMARI

? Cases referred

1. 1999 (9) SCC 254

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1941 of 1997

Between:

1. Vemula Srinivas S/o Somaiah, Agricultural weaver,R/o

Kakiralapalli (V), Vardhannapet Mandal, Warangal District.
2. Vemula Laxmi W/o Srinivas Agriculture, R/o Kikiralapalli (V),
Wardhannapet Mandal, Warangal District.
3. Vemula Semaiah S/o Muttaiah,weaver R/o Ellandla (V),

Wardhannapet Mandal, Warangal District.

PETITIONERS

AND

1 . The Manager, Central Bank of India, Warangal Branch,

Warangal.
2. The Sub Registrar of Co-operation-cum-Arbitrator-cum-
Sales Officer, C/o Central Bank of India, Warangal Branch,
Warangal.
3. The Managing Director, The Farmers Service Co-operative
Society Ltd., Nandanam(v), Waradhannapet(M), Warangal
District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction particularly one in the nature of Writ of Mandamus, declaring impugned action of the respondents herein in demanding huge amounts and threatening to attach the properties belong to the petitioners herein situated at Kakkaralapalli and Ellanda (V) of Waradannapet (M) of Warangal District, contrary to the directions of the State and Central Governments and guide-lines issued dated 28-6-1990 by Reserve Bank of India, as illegal, void ab-initio and may be further directed the respondents not to demand the loan amount without following the guidelines issued by State and Central Governments, and may be further directed to furnish statement of account and not to resort to any coersive steps to attach the properties belong to the petitioners stated supra.

Counsel for the Petitioners :MR.Y.RAMA RAO

Counsel for the Respondent No.1 : MR.C.V.RAJEEVA REDDY

Counsel for the Respondent No.3: MR. M. NARAHARI

The Court made the following:

ORDER:

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The petitioners filed the present writ petition praying for a direction to declare the

impugned action of the respondents herein in demanding huge amounts and threatening to attach the properties belonging to the petitioners at Kakkaralapalli and Ellanda village of Waradannapeta Mandal of Warangal District contrary to the directions of the State and Central Governments and guide-lines issued by the Reserve Bank of India as illegal and for further direction to the respondents not to demand the loan amount without following the guidelines issued by the State and Central Governments and for further direction to furnish statement of account and not to resort to any coercive steps to attach the properties belonging to the petitioners referred to supra, and pass such other suitable orders.

2. The case of the petitioners is that they approached the respondents who had granted certain loans. The details had been specified in the affidavit filed in support of the writ petition. It is also stated that the Government of India framed an Agriculture and Rural Debt Relief Scheme, 1990 and the Reserve Bank of India also issued administrative guidelines for the said scheme. Apart from this aspect, several other facts had been narrated in detail and the grievance of the petitioners appears to be that these benefits had not been conferred to them and there is unreasonable threat of demand relating to the recovery of the amounts.

3. The 1st respondent filed the counter affidavit wherein it was specifically stated that the petitioners are borrowers from the Co-operative Society and are members of the society and as such, the dispute between the petitioners and the respondents should be referred to the Co-operative Tribunal under the A.P. Co-operative Societies Act and in view of the fact that alternative remedy is available, the writ petition is not maintainable. Apart from this aspect, several other factual aspects were specifically denied in the counter affidavit filed by the first respondent.

4. Heard both the counsel.

5. The learned counsel representing the 1st respondent placed strong reliance on a decision reported in “Central Bank of India v. Roop Bansal” and would contend that this being just a commercial transaction, the writ petition is not maintainable. It is not in controversy that the petitioners are having alternative remedies. As could be seen from the facts and circumstances of the case, there cannot be any doubt whatsoever that the writ petition filed by the petitioners is not maintainable before this Court this being a loan transaction, especially in relation to a Co-operative society and the petitioners being the borrowers from the said society and being the members of the

said society.

6. In view of the same, the other merits and demerits relating to the factual details need not be adverted to since the writ petition is being dismissed as not maintainable.

7, Accordingly, the writ petition stands dismissed. No costs. At any rate, the petitioners are at liberty to invoke the other remedies available to them in law.

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P.S. NARAYANA, J

Dated 26th November, 2004

L.R. Copy to be marked.

Dvs

To

One Fair copy to Honourable Sri Justice P.S.Narayana (for his

Lordship's kind perusal)

1. The Manager, Central Bank of India, Warangal Branch,

Warangal.

2. The Sub Registrar of Co-operation-cum-Arbitrator-cum-Sales Officer, C/o Central Bank of India, Warangal Branch, Warangal.

3. The Managing Director, The Farmers Service Co-operative Society Ltd., Nandanam(v), Waradhannapet(M), Warangal District.

4. Eight LR copies.(8)

5. The Under Secretary, Ministery of Law, Justice and Company affairs, New Delhi.

6. The President, High Court Bar Association, High Court Buildings, Hyderabad.

7. Two CD copies.

THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 1941 of 1997

26th November, 2004